

CIVIL DOCKET
UNITED STATES DISTRICT COURT

JUDGE BRATTON
BARROW

73-C-243

Jury demand date: *11-7-73 (deft) per order 12-5-73*

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>PETER J. BRENNAN, Secretary of Labor, United States Department of Labor,</p> <p>vs.</p> <p>TULSA BUILDING SUPPLY, INC., a corporation and EDWARD L. SEMONES, individually, President</p>	<p>For plaintiff:</p> <p>William J. Kilberg, Sol. of Labor George T. Avery, Reg. Sol. James White, Dep. Reg. Sol. Harvey M. Shapan, Attorney Office of Solicitor U.S. Dept. of Labor 7652, 1100 Commerce St. Dallas, Texas 75202 <i>555 Griffin Square Bldg, Suite 501 Griffin & Young Streets</i></p> <p>For defendant:</p> <p>Edward L. Semones (Pro. Se) 8516 E. 41 Tulsa, Okla 74145 (Pred. Tulsa Bldg Supply, Inc.)</p> <p>Ted M. Riseling Conner, Winters, Bailaine, Barry & McGowan 2400 First National Tower Tulsa, Oklahoma 74103 <i>584-5182</i></p> <p>Richard L. Barnes (Tulsa Bldg. Supply KOTHE & NICHOLS, INC. & Edward L. Semones 124 East 4th Street Tulsa, Okla. 74103 <i>584-1112</i></p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>8-1-73</i>	Clerk	1/16/75	Kincaid	5.00	5 00
J.S. 6 mailed <i>2-1-75</i>	Marshal	1-23-75	C/D #33		
Basis of Action: Fair Labor Standards	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-30-73	Complaint filed, summons issued. jj	
7-30-73	Pltf's Interrogatories filed, issued w/summons, jj	
8-3-73	U.S. Marshals service returned and filed. Executed by serving complaint, pltf's. interog. and summons upon Tulsa Bldg. Supply, Inc. and its president Edward L. Semones, 8-2-73 at Tulsa, Okla. (USM \$13.92)jj	
8-13-73	Defendant's answer, filed. ds	
9-7-73	Parties directed to hold PT Conference prior to 10-22-73 and file PT order not later than 10-29-73. (AEB-J)v -notice mld.	
10-29-73	Application of Pltf. for Extension of Time to File PT Order, filed.jj O to J	
10-30-73	Order filed extending time to file pretrial order to 11/7/73.(AEB-J). a <i>copies mailed</i>	
11-7-73	Defts' application for extension of time to file pre-trial order, filed. hm <i>O to J</i>	
11-7-73	Request for jury trial, filed. (by deft. Semones)hm	
11-7-73	Order granting application for extension of time to file pre-trial order to 11-21-73, filed. (AEB-J) ds <i>Copies mailed</i>	
11-12-73	Application of plaintiff for extension of time to file pretrial order, filed.	
11-13-73	Order, filed, granting appl. for ext. of time to file pre-trial order until 11-23-73. (AEB-J)v -copies mailed.	
11-19-73	Proposed PT order of pltf., filed. rm	
11-23-73	Motion to strike deft's request for jury trial, filed. g	
11-23-73	Brief in support of motion for order striking jury request, filed. g <i>copy</i>	
11-23-73	Defendants' proposed pre-trial order, filed. hm	
12-5-73	Order, filed, sustaining mot. to strike deft.'s request for jury trial. Case is to be <u>set on next Non-jury docket</u> . (AEB-J)v -cops mld.	
12-10-73	Brief of Plaintiff in support of request for jury trial, filed. v	
12-10-73	Deft's Motion to Reconsider Request for Jury Trial, filed. a	
12-10-73	Deft's Brief in Support of Motion to Reconsider Request for Jury Trial, filed. a	
2-14-74	Order overruling defendants' motion to reconsider request for jury trial filed. (AEB-J) ds copies mailed	
8-19-74	Case set for non-jury trial on 11-11-74, at 9:30 A.M.(AEB-J) b	
10-16-74	Trial brief of pltf, filed. rm <i>copy to court</i>	
10-22-74	MO: IT IS ORDERED by the Court that this case is transferred to Judge Howard C. Bratton for Non-Jury Trial on 11-11-74 at 9:30 A.M. (AEB-J)v -notices mailed.	
11-11-74	Deft's trial brief, filed in open court. k (continued)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-11-74	Stipulation of parties, filed in open court. k	
11-18-74	Case tried to the Court Nov. 18, 19, 20 & 21, 1974. Pltf. represented by Harvey M. Shapan; deft. represented pro se by Edward Semones. Opening statements made. Pltf. presents case in chief with testimony of witnesses. Pltf's exhibits 1 thru 73 admitted. Pltf. rests. Deft's motion for dismissal denied. Deft. presents case in chief with testimony of witnesses and rests. Deft's exhibits A thru L admitted. Pltf. presents rebuttal evidence with testimony of witnesses and rests. Parties rest. Closing arguments given. Court finds in favor of pltf. and will issue an injunction as prayed for by the pltf. Counsel for pltf. to prepare formal order. (HCB-J)(Margaret Wilkins-CSR)hm (per Gene Agnes)	
11-20-74	Demurrer, filed in open court. hm	
11-21-74	Trial exhibits, filed. (in exhibit room)hm	
12-16-74	Partial transcript of trial proceedings, filed. (Margaret M.Wilkins, Reporter)g	
12-19-74	Entry of Appearance of Ted M. Riseling, atty for deft., filed.lm	
1-2-75	Findings of Fact and conclusions of law, filed. g	
1-2-75	Judgment, filed & entered, that pltf. have judgment against defts. for \$8,487.82; and permanently enjoining defts. from violating FLS Act of 1938. (Howard Bratton, Judge) cpies mailed. g	
1-3-75	Deft's motion for supersedeas, filed. hm <i>Copy to judge</i>	
1-13-75	Order, filed, that the enforcement of the judgment will be stayed pending the disposition of defts' appeal to the U.S.C.A. for the Tenth Circuit upon the filing of a supersedeas bond by the defts. in the amount of \$12,000.00 and the approval of such bond. (HCB-J)k <i>cpies mld</i>	
1-16-75	Notice of Appeal by def. from judg. of 1/2/75, filed. rm (\$250 cost bond deposited) copies to counsel & USCA	
1-17-75	Bond for costs on appeal in the amount of \$250.00, filed. Edward L. Semones, Surety & Principal. k	
2-24-75	Order, filed, extending time for filing and docketing appeal to 3/25/75. (HCB-J)rm - copies mailed	
2-24-75	Application for withdrawal of appearance, James L. Kincaid, /filed. lm (atty to bring ORDER)	
2-24-75	Entry of Appearance as atty's for defts. of Kothe & Nichols, Inc, by Richard L. Barnes, filed. lm	
3-6-75	ORDER authorizing withdrawal of atty. James L. Kincaid, filed. lm <i>cpies mld</i>	
3-17-75	ORDER, filed Ext. Time for Filing and Docketing Appeal. (HCB-J)jj <i>cpies mailed</i> (4-16-75)	
4-18-75	Order of USCA, filed, extending time to transmit record on appeal to 4/30/75. rm	

(contd.)

DATE	PROCEEDINGS	Date Order or Judgment Note
4-28-75	Transcript of trial proceedings (3 volumes) had on 11/18-19-20-21, 1974, filed. (Margaret M. Wilkins-CR)rm	
4-28-75	Original record on appeal (5 volumes) transmitted to USCA. rm	
8-4-75	Receipt of documents, (Volumes I-V)/by Richard L. Barnes, filed. mm	
9-12-75	Order of 10th Circuit, filed and spread of record, that upon stipulation of parties, case is dismissed pursuant to Rule 42(b), each party to pay its own costs.rm	
10-28	Petition for adjudication in civil contempt, filed, with affidavit of Robert B. Snyder. g <i>to</i>	
11=25	Order, filed, directing defts. to appear and show cause why pet. for adjudication in civil contempt should not be granted, on 12-3-75, at 10:00a.m.. Further, that Defts. file answer, response or other return to show cause order by 12-1-75. Order to be served by USM. (AEB-J)k cps by USM <i>to be served to plf.</i>	
11-28	USM service on Order to Show Cause, ret. & filed: served Edward L. Semones, 1319 Terrace Dr., Tulsa, Ok; served Tulsa Building Supply, Inc. by serving Edward L. Semones, 1319 Terrace Dr., Tulsa, Ok. on 11-26-75. (USM \$14.04)g	
12-1	MO: Show Cause hearing set 12-3, passed to 12-10-75, 9:30. Parties called. (AEB-J)ph	
12-1	Defts' answer to Pltf's Petition for adjudication In Civil Contempt, filed. ph	
12-10-75	Case called for hearing on pltf's motion for adjudication in civil contempt. Parties present. Deft. Semones sworn & testifies. Pltf. counsel makes statement. Deft. Semones remanded to custody of USM for commitment to Atty. Gen. until judgment satisfied or proof of inability to comply is presented but not longer than six months. (AEB-J)b	
12-10	Order, that Edward L. Semones is hereby committed to custody of Atty. Gen. for period of six (6) months, or for a lesser period, if & when: (1) Court has been shown by convincing evidence of the Co. or Mr. Semones of the inability to pay said judgment; or (2) The Court has been shown that arrangement for payment of said judgment, agreeable to Pltf., has been consummated. Upon such showing Court may terminate sentence & purge Deft., of this contempt, filed & entered. (AEB-J)b	
12-10-	Two c/c of Order of Commitment to USM. b	
12-12	Order of commitment, ret. & filed: Edward L. Semones delivered to Tulsa County Jail on 12-10-75. g	
12-13	Affidavit of Edward L. Semones, filed. rm	
12-13	Appearance bond (\$5000 O/R) re Edward L. Semones, filed. rm (Approved by AEB)	
12-13	Order specifying methods & conditions of release, filed. (AEB-J)rm	
12-15	Appl. of defts. for order modifying conditions of bond, filed. ph	
12-16	Order, filed, modifying conditions of bond to allow def. Semones to travel outside N.D. of Okla. (AEB-J)rm - copies md	
12-19-75	Affidavit of Ronald M. Gaswirth as to costs incurred in contempt proceedings in this case, filed. jj <i>File 12-19-75</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-23-75	Findings of Fact and Conclusions of Law (with Affd. of Chas. M. Sturm) filed. (AEB-J)g	
12-23-75	Judgment, filed & entered: to purge themselves of contempt, defts. shall pay \$8,997.08 to USDC, NDO, as follows: \$2000.00 by 12-25-75; 5 installments of \$1500 each beginning on or before 15th of each succeeding month; \$161.08 payable on or before 6-15-76; said back wages to be distributed by pltf to employees; shall pay \$643.96 to Office of the Solicitor-Labor for expenses in civil contempt action; pay \$20.04 to Office of the Solicitor-Labor for court costs; further ordered that/Edward L. Semones fails to comply, he will stand committed to custody of U. S. Marshal. (AEB-J)g cpies to USM for service.	
12-30-75	Reporter's Transcript of Proceedings had on Dec. 10, 1975, filed. tc	
1-14-76	Ltr. of Dept. of Labor re total amt. of judgment (\$9661.08), filed. g	
1-14-76	Defts' appl. for order modifying conditions of bond, filed. ph <i>ok</i>	
1-16	Order, filed, modifying conditions of bond to allow deft. Semones to travel to Iowa City, Iowa on 1-15-76, (AEB-J)g <i>met</i>	
1-20	Judgment, ret & filed: Served Edward L. Semones, individually and as President, by serving Ramoyael Hashagen, Off. Mgr. on 1-15-76, at Tulsa, Oklahoma, (USM \$4.92)ph	
1-27	Appl. of deft. for order allowing withdrawal of deft's exhibits, filed. g <i>ok</i>	
1-29	Order allowing withdrawal of defts' exhibits, filed. (AEB-J)g <i>e mld.</i>	
3-31	Appl. of def. for order modifying conditions of bond, filed. rm <i>o o f</i>	
3-31	Order, filed, modifying conditions of bond to allow deft. Semones to travel to Hutchinson, Kansas, on 4-1-76. (AEB-J)k cps mld	
5-12	Appl. for order modifying conditions of bond, filed. g	
5-13	Order, filed, modifying conditions of bond. Ordered that deft. is allowed to travel to Hot Springs, Arkansas from 5-13-76 through 5-17-76 and to travel to Dallas, TX, on 5-26-76. (AEB-J)k cps mld	
6-17	Pltf's motion for release of funds, filed. s 0 to J.	
6-23	Order, filed, directing Clerk to release to pltf. the amt. of \$8,997.08 in the form of a check made payable to "Employment Standards Administration-Labor". (AEB-J)k cps & check mld	
7-12	Pltf's motion for release of funds, filed. s	
7-13	Order, filed, directing Clerk to release to pltf. all remaining monies in amt. of \$664.00 as costs & expenses. (AEB-J)k cps & chk mld	
8-4	Notice of Satisfaction of Judgment for Monetary award and costs, fld. v (Release entered on judg. cards)	
12-8-82	APPLIC of defts for release of bond for costs on appeal. (0 to J)a	
12-9-82	ORDER releasing defts Tulsa Building Supply, Inc. bond for costs on appeal, directing Clerk to release to said deft \$250.00. (HDC-J)bv c/m deft	

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